



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JACOBSON PRICE HOLMAN AND STERN
THE JENIFER BUILDING
400 SEVENTH STREET NW
WASHINGTON, DC 20004-2201

MAR 15 1999

#22

In re Application of
Jim Appino et al
Serial No.: 08/865,044
Filed: May 29, 1997
Attorney Docket No.: 11285/P59317

WITHDRAWAL OF ABANDONMENT

This is in response to applicants' petition under 37 CFR 1.181, filed December 30, 1999, requesting withdrawal of the holding of abandonment based on the filing of a timely response to the Office action mailed April 12, 1999

A review of the file history shows that the examiner mailed an Office action to applicants on April 12, 1999, setting a three month shortened statutory time period for reply. On December 21, 1999, the examiner mailed a Notice of Abandonment to applicants indicating no response to the Office action had been received.

Applicants aver that a reply was filed on October 12, 1999, as evidenced by the Office date stamped return postcard showing a date received of October 12, 1999. Applicants provide a copy of the submitted reply, a request for a CPA, with the petition. The reply was accompanied by a request and fee for a three month extension of time. In view of applicants' timely response the Notice of Abandonment is rescinded as having been mailed in error.

Applicants' petition is **GRANTED**. The application is restored to pending status with the mailing of this decision and will be forwarded for processing as a CPA.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600/2900, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 308-7922.


John Kittle
Director, Technology Center 1600/2900